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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GLESSNER, BRIAN E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,338

Applicant(s)

WATANABE, MORIMICHI

Examiner

Brian E. Glessner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6 and 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The following office action is in response to the amendment filed on November 4, 2004. Claims 1, 6, and 8-20 are pending in the application. Claims 1, 6, and 8-20 are rejected as set forth below.

Claim Objections

Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The fasteners were not positively claimed. Therefore, claim 16 does not further limit the parent claim because it is only drawn toward an element that was not positively claimed.

Claim Rejections - 35 USC § 102

Claims 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Corbin, Jr. (2,156,277).

In regard to claim 14, Corbin discloses a siding board for a clapboard boarding structure, comprising: a bottom face (bottom of figure 2) configured to be disposed adjacent a building, a top face (top of figure 2) disposed opposite the bottom face, an upper face (planar surface shown in figure 1) disposed between the top and bottom faces and configured to be disposed adjacent a lower face of a first adjacent siding board, the upper face comprising a notched portion 2 configured to be overlapped by the lower face of the first adjacent siding board, a lower face disposed opposite the upper face and configured to be disposed adjacent an upper face of a second adjacent

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siding board, the lower face comprising a stepped portion (see bottom portion of figure 2) configured to overlap a notched portion of the upper face of the second adjacent siding board, a left face (left side of figure 3) configured to be disposed adjacent a right face of a third adjacent siding board, the left face comprising a stepped portion 8, 9 configured to overlap a corresponding stepped portion on the right face of the third adjacent siding board, and a right face (right side of figure 3) configured to be disposed adjacent a left face of a fourth adjacent siding board, the right face comprising a stepped portion configured to overlap a corresponding stepped portion on the left face of the fourth adjacent siding board. The examiner would also like to point out that the embodiments shown in figures 11-16 also read on the claims. The examiner merely used figures 1-4 since they were disclosed first.

In regard to claim 15, Corbin discloses the claimed invention, wherein the notched portion of the upper face of the siding board is capable of contacting a first fastener to fasten the siding board to a structure, and the stepped portion of the lower face of the siding board is capable of contacting a second fastener to fasten the siding board to the structure. The examiner would like to point out that the fasteners are not positively claimed. Therefore, Corbin does not have to show the fasteners. His structure merely has to be capable of contacting a fastener, which it is.

In regard to claim 16, Corbin discloses the claimed invention, wherein a first fastener is capable of fastening the first adjacent siding board to the structure, and a second fastener is capable of fastening the second adjacent siding board to the structure.

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In regard to claim 17, Corbin discloses the claimed invention, wherein the stepped portions of the siding board comprise laterally extending tongue portions.

In regard to claim 18, Corbin discloses the claimed invention, wherein the tongue portions comprise an overlying tongue and an underlying tongue.

In regard to claim 19, Corbin discloses the claimed invention, wherein the tongue portions comprise a first tongue configured to be disposed on one of a top and a bottom surface of the stepped portion of the third adjacent siding board and a second tongue configured to be disposed on a bottom and a top surface of the stepped portion of the fourth adjacent siding board.

Claim Rejections - 35 USC § 103

Claims 1 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerhafer et al. (6,055,787) in view of Saltzman (4,001,997) and further in view of Corbin, Jr. (2,156,277).

In regard to claims 1 and 8-10, Gerhafer discloses a siding board capable of being used for clapboard boarding that is employed in a clapboard structure in which a plurality of siding boards are fastened to a framework of a building such that lower side portions (If upper siding boards are overlapped frontward of upper side portions, wherein the siding board is a ceramic siding board, column 4, lines 10-11, the siding board comprising a rear surface stepped portion formed on the lower side portion that has been obtained by notching a rear surface of the siding board, and an upper end surface of the rear surface stepped portion formed to extend in a substantially straight line in lateral directions. Gerhafer does not specifically disclose that the board

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comprises vertical joint grooves on a designed surface thereof, wherein lower edges of a lower side portion are formed at different heights with boundaries of the vertical joint grooves. Saltzman teaches that it is known to provide vertical joint grooves and form different height boundaries on a lower side edge of a siding piece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Saltzman's teaching into Gerhafer's invention, because the joint grooves and different height edges will provide a more pleasing aesthetic appearance to the siding member. Further, as taught by Saltzman, the different height edges will provide the appearance of shingles of different heights, column 2, lines 19-23.

Gerhafer further discloses that the board comprises an engaging groove formed in the upper end surface of the rear surface stepped portion, which has been obtained by notching the upper end surface, and engaging notches formed at the upper side portion, which have been obtained by notching the designed surface of the siding boards, figure 1, wherein the engaging groove is configured to engage with upper-board engaging portions of fastening members for fastening the siding board to the framework, and wherein the engaging notches are configured to engage with lower-board engaging portions of the fastening member.

Gerhafer and Saltzman do not specifically disclose the use of overlying/underlying tongue portions disposed on the right and left sides of the siding board that are configured to overlie and underlie tongue portions of adjacent siding boards. Corbin teaches that it is known to provide a siding board having tongue portions disposed on right and left sides of said siding board, wherein the tongue

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portions overlap tongue portions of adjacent siding boards. The examiner would also like to point out that Saltzman does disclose the use of at least one tongue projecting from the right side of the board. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate tongue portions into Gerhafer's invention, because the tongue portions, as shown by Corbin, will provide an interlocking means between adjacent side edges of the siding boards. Therefore, the siding boards will form an interlocking wall covering.

Claims 6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerhafer et al. (6,055,787) in view of Saltzman (4,001,997) and Corbin, Jr. (2,156,277) and further in view of Hideki (10-088769).

In regard to claims 6 and 11-13, Gerhafer in view of Saltzman and Corbin disclose a clapboard boarding structure comprising a plurality of siding boards installed to a framework of a building such that lower portions of upper siding boards are overlapped frontward of upper side portions of lower siding boards and left and right sides having tongue portions overlapping adjacent siding boards tongue portions. Gerhafer in view of Saltzman and Corbin disclose all of features of applicant's claims 6 and 11-13. These limitations can be seen in the above rejections of claims 1 and 8-10. Gerhafer in view of Saltzman and Corbin further disclose that each of the upper side portions of lower siding boards is disposed at the rear surface stepped portion formed on each of the lower side portions of upper siding boards.

Gerhafer in view of Saltzman and Corbin further disclose that the siding boards are fastened to the framework of the building by fastening members, each of the siding

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boards comprising an engaging groove formed in the upper end surface of the rear surface stepped portion, which has been obtained by notching the upper end surface upwardly, and engaging notches formed at the upper side portion, which have been obtained by notching the designed surface of the siding boards, figure 1, wherein each of the fastening members comprises a base plate portion 2 that is fixed to the framework, a supporting portion 22 rising frontward from the base plate portion, an upper-board engaging portion upwardly bent, and a lower-board engaging portion 19 downwardly bent. Gerhafer, Saltzman and Corbin do not specifically disclose that the upwardly bent portion is bent at the end of the supporting portion, or that the downwardly bent portion is bent from the end of the upwardly bent portion. Hideki teaches that it is known to provide a fastening means having the same configuration as applicant's claimed fastening member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Hideki's teaching into Gerhafer in view of Saltzman's and Corbin's invention, because the Hideki's fastening member is simpler in construction, and will be easier to use with the siding boards.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corbin, Jr. (2,156,277) in view of Gerhafer et al. (6,055,787).

In regard to claim 20 Corbin discloses the claimed invention except for specifically disclosing that the siding board comprises a ceramic material. Gerhafer teaches that it is known to make siding boards out of a ceramic material, column 4, lines 10-11. It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to use a ceramic material to construct Corbin's siding boards, because the ceramic material will not corrode or deteriorate after being exposed to the elements. Therefore, the siding board will last a lifetime without needing to be replaced. Thus, one could save a lot of money by using a ceramic material for the siding boards.

Response to Arguments

Applicant's arguments with respect to claims 1, 6, and 8-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Glessner whose telephone number is 703-305-0031. The examiner can normally be reached on Monday through Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brian E. Glessner
Primary Examiner
Art Unit 3635

B.G.
January 19, 2005